

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)
)
Plaintiff,)
) C. A. No. 05-486 (GMS)
v.)
) **JURY TRIAL DEMANDED**
THE TORO COMPANY,)
)
Defendant.)

**SECOND STIPULATION TO EXTEND EXPERT REPORT
AND FACTUAL DISCOVERY DEADLINES**

Pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedures, the parties to this action plaintiff Textron Innovations Inc. ("TII"), and defendant The Toro Company ("Toro"), by their respective counsel, hereby stipulate to the following extensions of expert report and factual discovery deadlines in the Scheduling Order (D.I. 40), as amended (D.I. 111), for this action:

- 1) The deadline for service of the parties' respective initial (burden of proof) expert reports shall be extended from November 17, 2006, until December 8, 2006.
- 2) The deadline for service of the parties' respective opposition expert reports shall be extended from December 18, 2006, until January 8, 2007.
- 3) The deadline for service of the parties' respective reply (burden of proof) expert reports shall be extended from December 29, 2006, until January 19, 2007.
- 4) The deadline for the close of expert discovery shall be extended from January 29, 2007, until February 19, 2007.
- 5) The deadline for the close of fact discovery shall be extended from January 1, 2007, until January 26, 2007.

By entering into this stipulation, the parties agree and represent to the Court that good cause exists for this modification to the Scheduling Order. Pursuant to the Court's directions during the parties' November 9, 2006 discovery dispute teleconference, the parties are working together to resolve their discovery disputes in a timely fashion. This limited extension is not sought to delay this matter, and all other dates on the schedule remain unchanged.

THE BAYARD FIRM

POTTER ANDERSON & CORROON LLP

By: /s/ Edmond D. Johnson
Edmond D. Johnson (#2257)
Peter B. Ladig (#3513)
222 Delaware Ave.
Suite 900
Wilmington, DE 19801
Tel: (302) 655-5000
tjohnson@bayardfirm.com
pladig@bayardfirm.com

By: /s/ David E. Moore
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Plaintiff Textron
Innovations Inc.*

Attorneys for Defendant The Toro Company

SO ORDERED this _____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE